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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,110	01/17/2002	Edward M. Silver	BELL-0168/01382	1659
38952	7590	04/27/2004	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			WALSH, DANIEL I	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/052,110	Applicant(s) SILVER ET AL.	
	Examiner Daniel I Walsh	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-27, 29-39 and 44-55 is/are pending in the application.
- 4a) Of the above claim(s) 15-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-39 and 44-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the amendment received on 5 January 2004 and the IDS received on 15 January 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 29, 30, 32, and 38 are rejected under 35 U.S.C. 102(a) as being anticipated by Sansone et al. (US 2002/0143880).

Re claim 29, Sansone et al. teaches receiving packages at an intermediate shipping site, the package having an associated addressee (FIG. 1A); receiving a message from the addressee of the package prior to an attempt to delivery the package to the addressee (abstract); determining a delivery authorization status corresponding to the package based on the received message; and delivering the package if the authorization status is that delivery is acceptable and not attempting to deliver the package if the authorization status is that delivery is not acceptable (paragraph [0030]+).

Re claim 30, Sansone et al. teaches receiving a message comprising a projected delivery date of the package (paragraph [0030]). The Examiner also notes that's its obvious that identification of the addressee is included in the message, as a means to identify the recipient of the package who is using device 36.

Re claim 32, Sansone et al. teaches determining from the received package an identification of the sender of the package paragraph [0030], as the recipient is able to reject packages for delivery.

Re claim 38, Sansone et al. teaches storing at least one of delivery authorization status, sender identification, addressee identification, package identification, and projected delivery date through archive 57.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 31, 35-37, 46, and 50-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al., as applied to claim 29 above, further in view of Kuebert et al. (US 2002/0165729).

Re claim 31, the teachings of Sansone et al. have been discussed above. Sansone et al. teaches that packages can be sped up, or slowed down by the recipient for delivery to the recipient (col 4, paragraph [0034], for example).

Sansone et al. is silent to determining a current date and determining the delivery authorization status as delivery is acceptable if the projected delivery date matches the current date.

However, it is obvious to compare the date to the expected date to make sure the package is delivered when the recipient requested. Specifically, Kuebert et al. teaches specifying a new delivery time of "Today at 7:00 pm" (paragraph [0043]). It is obvious that in order to determine delivery as acceptable for "today" that a comparison between dates would be required. Such modification is well within the skill in the art.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Sansone et al. with those of Kuebert et al.

One would have been motivated to do this to exercise more control of the delivery of the package.

Re claim 35, the limitations of Sansone et al. have been discussed above.

Sansone et al. is silent to the use of email, but does teach electronic communication over a computer, as discussed above. Sansone et al. is silent to parsing the email into at least one of a sender of the package, an identification of an addressee of the package, an identification of the package, and a projected delivery date of the package.

Kuebert et al. teaches the use of email to communicate an identification of an addressee (paragraph [0043]). Though Kuebert et al. is silent to parsing the email to obtain such

information, it is well known and conventional to parse emails to obtain information from them (Fleming, III US 6,128,739). Kuebert et al. teaches the email contains an identification of the addressee of the package, identification of addressee of the package, package identification, or delivery date (paragraph [0043-45]). Accordingly, such modification is well known and conventional in the art, and an obvious expedient to obtain addressee information from an electronic communication. The examiner also notes that it is well known and conventional to include such information in communications regarding the mailing of packages, as is well known and conventional in the art.

Re claims 36 and 37, the limitations of Sansone et al. have been discussed above.

Sansone et al. is silent to a second email from the sender of the package.

Kuebert et al. teaches a second email from the sender (see claim 3), where a sender is able to confirm the delivery location. It is well known and conventional that such information is communicated electronically, which includes email, as discussed above. Re claim 37, it has been discussed above that through the electronic communications, that information is obtained. Accordingly, it is therefore obvious to deliver the package if the first email message (recipient) and second email message (sender) correspond (see paragraph [0045]). Kuebert et al. teaches that the emails contain delivery instructions (paragraph [0045]), identification information, etc., as discussed above. As the sender has the final say on the delivery, it is understood that the second email is used to determine delivery the authorization status.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Sansone et al. with those of Kuebert et al.

One would have been motivated to do this to confirm an alternative delivery location with the recipient and sender, to ensure accuracy/acceptability of the mailpiece.

Re claim 46, the limitations have been discussed above re claim 31.

Re claim 50, the limitations have been discussed above re claim 37.

Re claim 51, it is obvious that the package is delivered when authorization is acceptable and not delivering when authorization is not acceptable.

Re claim 52, the limitations have been discussed above re claim 46.

Re claim 53, the limitations of Sansone et al. have been discussed above re claim 47.

Re claim 54, the limitations have been discussed above re claim 48.

Re claim 55, the limitations have been discussed above re claim 35. Though Kuebert et al. is silent to parsing the second email to fetch such information, at the time the invention was made, it was well within the skill in the art to parse emails to obtain information, as discussed above. Further, though the teachings of Kuebert et al. are silent to the senders email including such information, as it just teaches the recipient information, it is well within the skill in the art for the sender to have the similar means to have the final control over delivery of the package, as is well known in the art, to prevent fraud, for example.

4. Claims 33, 44, 45, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al.

Re claim 33, the teachings of Sansone et al. have been discussed above. Further, Sansone et al. teaches that the identification of the sender can be used to determine an authorization status as the recipient can choose to have the package delivered or even have the mail/package destroyed or returned to sender (see paragraph [0030]). Accordingly, it is therefore obvious that

if the package information (for example, recipient address) matches the information address included in a message (for example in a sped up/slowed down mailing to the recipients address), that delivery is acceptable. The teachings of Sansone et al. permit the recipient to control delivery in instances, and therefore variations of delivery location/time/method are up to the recipient. Accordingly, a delivery authorization status of acceptable can occur if the recipients' address matches the packages recipient address, such as in the aforementioned sped up/slowed down mailing processes, but also permits the recipient to control locations that may differ as well. Accordingly, the examiner notes that it is well within the skill in the art to permit the recipient to control delivery location, but also that it is also well within the skill in the art for delivery location to not be controlled by the recipient, and therefore only delivery to a matching package recipient address, such as in cases where the sender does not permit the diversion of the package/mail (see Sansone et al.).

Re claim 34, it is well known and obvious that messages can be sent electronically, by paper, through telephone, etc., as is well known and conventional in the art. Sansone et al. teaches the use of email/electronic messaging (paragraph [0028]). Though Sansone et al. is silent to email, email is well known and conventional for communicating electronically over a computer (see Kuebert et al., paragraph [0043], for example).

Re claim 44, the limitations have been discussed above re claim 29. Further, Sansone et al. teaches a user interface 36. It is understood that the user interface includes a processor to perform upon receipt of a package at an intermediate site, as is well known and conventional in the art.

Re claim 45, the limitations have been discussed above re claim 30

Re claim 47, the limitations have been discussed above re claim 32.

Re claim 48, the limitations have been discussed above re claim 33.

5. Claims 39 and 49 rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al., in view of Brookner (US 2003/0084007).

Re claim 39, the teachings of Sansone et al. have been discussed above. Sansone et al. teaches determining a sender identification, and that the recipient has the ability to reject delivery of the package if desired, and that messages contain sender identification. However, Sansone et al. is silent a list of expected senders.

It is well known and conventional in the art that recipients possess a list of expected senders. Brookner teaches recipients possess a list of expected senders (claim 30), for security purposes for example.

At the time the invention was made, it would have been obvious to combine the teachings of Sansone et al. with those of Brookner et al.

One would have been motivated to do this to have further criteria to reject the delivery of mail, for security purposes, for example. Further, (US 6,249,805, issued June 19, 2001 to Fleming, III (a method and system for filtering unauthorized electronic mail messages through comparison with an authorized sender list), further supports the pre-authorization of senders.

Re claim 49, the limitations have been discussed above re claim 39.

Response to Arguments

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Specifically, the Applicant added the limitation that the message was received

prior to an attempt to deliver. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

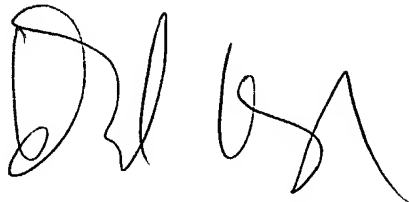
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Walsh whose telephone number is (571) 272-2409 (as of January 15, 2004). The examiner can normally be reached between the hours of 7:30am to 4:00pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone numbers for this Group is (703) 872-9306, (703) 308-7724, or (703) 308-7382.

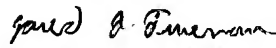
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [daniel.walsh@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



DW
4/13/04


JARED J. FUREMAN
PRIMARY EXAMINER